

# OFFICE OF THE ATTORNEY GENERAL

85-00111

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DEC 3 1984

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Mr. Frank D. Wilkes  
Department of Veterans Affairs  
P. O. Box 1509  
Montgomery, AL 36192-3701

Veterans Affairs - Military  
Affairs - Employees, Employers,  
Employment - Wars

To qualify as a State Service  
Commissioner, Assistant State  
Service Commissioner, County  
Service Commissioner or District  
Service Commissioner for the  
Alabama Department of Veterans  
Affairs a person must have been  
on active duty in the United  
States Military for a period of  
60 days in any conflict  
involving the United States  
Armed Services.

Dear Mr. Wilkes:

You have requested an opinion regarding the language in Code of Alabama 1975, §31-5-6; §31-5-8; §31-5-9, which set forth the qualifications of persons who may serve as Veterans Affairs State Service Commissioners, Assistant State Service Commissioners, County Service Commissioners, and/or District Service Commissioners. Specifically, you have asked for an

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interpretation of the following language found in each of the above-referenced statutes:

...shall be a veteran who served on active duty in the military or naval forces of the United States for a period of 60 days or more in any war in which the United States shall have been engaged...

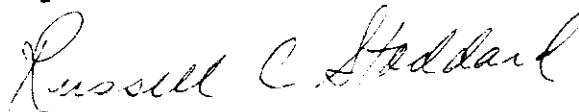
Due to the fact that it has been almost forty years since the United States was last engaged in a declared war, this language should be open to interpretation to include individuals who were not on active duty during World War II. The operative word in this case is "war", and it is to this term that latitude should be given.

Therefore, it is the opinion of this office that the word war should be defined as "any period during which the United States is involved in armed conflict with another nationality." If a person serves in the United States Armed Services during a period of "conflict", i.e., Korea or Vietnam and otherwise meets the eligibility requirements of the respective statutes, then they are qualified to be a service commissioner for the Alabama Department of Veterans Affairs.

Sincerely yours,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



RUSSELL C. STODDARD  
ASSISTANT ATTORNEY GENERAL

CAG:RCS:jd